

**REMARKS**

1. Applicant thanks the Examiner for the Examiner's comments which have  
5 greatly assisted Applicant in responding.

Applicant has amended Claims 1, 16, 22, 32, 42, and 46. It should be noted that Applicant has elected to amend said Claims solely for the purpose of expediting the patent application process in a manner consistent with the PTO's Patent Business  
10 Goals, 65 Fed. Reg. 54603 (9/8/00). In making this amendment, Applicant has not and does not in any way narrow the scope of protection to which Applicant considers the invention herein to be entitled and does not concede, in any way, that the subject matter of such claim was in fact taught or disclosed by the cited prior art. Rather, Applicant reserves Applicant's right to pursue such protection at a later  
15 point in time and merely seeks to pursue protection for the subject matter presented in this submission.

2. 35 U.S.C. §101. The Examiner has rejected Claims 32-38, 40, and 42-45 under 35 U.S.C. §101 because the claimed invention is directed to non-statutory  
20 subject matter. Applicant has amended Claims 32 and 42 to clarify the method utilizing the technological arts. Therefore, Applicant respectfully requests that the Examiner withdraw the rejection under 35 U.S.C. §101.

3. 35 U.S.C. §102(b). The Examiner has rejected Claims 1-5, 7-10, 13, 15, 16,  
25 18, 20-26, 28-30, 32, 37, and 40-48 under 35 U.S.C. §102(b) as being unpatentable over Gerace (U.S. Pat. No. 5,848,396).

Applicant respectfully disagrees.

- 30 Claims 1, 16, and 22:

Claims 1, 16, and 22 have been amended to clarify the invention and appear as follows:

- 35 1. A method of advertising, the method comprising:

maintaining an Internet-related communication session between a user and a voice portal; and

during the communication session, periodically selecting and playing advertisements automatically based on any one of user constraints and sales criteria.

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16. A service which provides audio advertisements over a two way communication device during a communication session, the service comprising:

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a user interface which coordinates communication of the service with a user and receives voice commands from the user that allow the user to navigate through the service; and

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an advertising subsystem coupled to the user interface, the advertising subsystem being configured to coordinate the selective presentation of advertisements to the user;

whereby the advertisements include sponsorship advertisements which accompany each communication session, advertisements selectively played based on particular attributes of the user, and advertisements selectively played based on permission by the user.

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22. A system for advertising using voice control, the system comprising:

means for maintaining a communication session between a user and a voice portal; and

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means for periodically selecting and playing advertisements automatically during the communication session based on any one of user constraints and sales criteria.

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In particular, Gerace does not teach or disclose a system that maintains an Internet-related communication session between a user and a voice portal as claimed in the invention. Gerace does not contemplate such a system. Gerace does not contemplate a voice portal.

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Further, Gerace does not teach, disclose, or contemplate a system that a provides a user interface which coordinates communication of the service with a user and receives voice commands from the user that allow the user to navigate through the

service as claimed in the invention. Gerace does not contemplate receiving voice commands from the user that allow the user to navigate through the service. Gerace is a display system that requires a user to interface with Gerace's system via mouse manipulation of a cursor. Col. 6, line 58-col. 7, line 3 state:

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"The User Action History Object 37e stores each click of a mouse and corresponding cursor position to effectively record the user's motions/movements in a session. In particular, as illustrated in FIG. 3f, User Action History Object 37e records (a) date and time of action, (b) session identifier (indicating in which session of the User Session Object 37d the subject action occurred), (c) sequence or order number of the action in the series of actions that occurred in a common session, (d) identification of screen view displayed at time action occurred, (e) identification of item selected by user (via click of mouse with cursor positioned on item), and (f) screen position of selected item (e.g., first, second or third menu item, right or left side)."

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Gerace therefore does not teach every aspect of the invention either explicitly or impliedly.

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Claims 1, 16, and 22 are allowable. Claims 2-5, 7-10, 13, 15, and 18, 20-21, and 23-26, 28-30 are dependent upon Claims 1, 16, and 22, respectively. Therefore, Applicant respectfully requests that the Examiner withdraw the rejection under 35 U.S.C. §102(b).

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Claims 32, 42, and 46:

Claims 32, 42, and 46 have been amended to clarify the invention and appear as follows:

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32. A method of selecting and playing advertising in a voice controlled computer environment comprising:

receiving voice navigational commands from a user;

generating a set of possible advertisements, the set of possible advertisements being related to a context;

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ordering the set of possible advertisements based on a sales criteria associated with each advertisement of the set of possible advertisements; and

periodically selecting and playing advertisements automatically from the set of possible advertisements based on the ordering.

42. A system of selecting and playing advertising in a voice controlled computer environment comprising:

means for receiving voice navigational commands from a user;

means for generating a set of possible advertisements, the set of possible advertisements being related to a context;

means for ordering the set of possible advertisements based on a sales criteria associated with each advertisement of the set of possible advertisements; and

means for periodically selecting and playing advertisements automatically from the set of possible advertisements based on the ordering.

46. A computer program product comprising computer readable program code for advertising with an Internet voice portal, the program code in the computer program product comprising:

first computer readable program code for generating a set of possible advertisements;

second computer readable program code for ordering the set of possible advertisements based on a sales criteria associated with each advertisement of the set of possible advertisements;

third computer readable program code for periodically selecting and playing advertisements automatically from the set of possible advertisements based on the ordering; and

fourth computer readable program code for receiving voice navigational commands from a user.

In particular, Gerace does not teach or disclose a system that receives voice navigational commands from a user as claimed in the invention. Gerace does not contemplate such a system.

Gerace therefore does not teach every aspect of the invention either explicitly or impliedly.

Claims 32, 42, and 46 are allowable. Claims 31-36, 40, 41, and 43-45, and 47-48 are dependent upon Claims 32, 42, and 46, respectively. Therefore, Applicant respectfully requests that the Examiner withdraw the rejection under 35 U.S.C. §102(b).

5. 35 U.S.C. §103(a). The Examiner has rejected Claims 6, 11, 12, 14, 17, 19, 27, 31, 38, 39, 49, 50, and 51 under 35 U.S.C. §103(a) as being unpatentable over Gerace (U.S. Pat. No. 5,848,396) in view of Lumelsky (U.S. Pat. No. 6,246,672).

The rejection of Claim 51 under 35 U.S.C. §103(a) is deemed moot in view of Applicant's comments concerning Claims 1, 16, 22, 32, 42, and 46 above.

Applicant would like to point out, however, that Lumelsky's voice recognition is limited to password recognition which is technically simplistic compared to receiving voice navigational commands as the invention does. Lumelsky deals with authentication and authorization. Lumelsky in col. 12, lines 10-16 state:

"Still further, by way of example, voice recognition may be employed whereby the user utters a password which is decoded at the PRSS and compared to a previously stored acoustic sample of the user's spoken utterances. Of course, these authentication and authorization approaches are merely examples and the invention is not limited thereto."

To combine Gerace and Lumelsky as the Office Action concludes would result in Gerace requiring a user to give a password to access Gerace's system where the user utters a password which is decoded and compared to a previously stored acoustic sample of the user's spoken utterances. This is not what is claimed in the invention.

Claims 6, 11, 12, 14, and 17, 19, and 27, 31, and 38, 39, and 49, 50, 51 are dependent upon Claims 1, 16, 22, 32, and 46, respectively, which are in allowable

condition. Therefore, Applicant respectfully requests that the Examiner withdraw the rejection under 35 U.S.C. §103(a).

**CONCLUSION**

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Based on the foregoing, Applicant considers the present invention to be distinguished from the art of record. Accordingly, Applicant earnestly solicits the Examiner's withdrawal of the rejections raised in the above referenced Office Action, such that a Notice of Allowance is forwarded to Applicant, and the present application is therefore allowed to issue as a United States patent.

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Respectfully Submitted,

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**V rsion with markings to show changes made**

**In The Claims**

5 Please amend Claims 1, 16, 22, 32, 42, and 46 as follows (Marked copy):

1. (amended) A method of advertising, the method comprising:  
maintaining an Internet-related communication session between a user and  
a voice portal; and

10 during the communication session, periodically selecting and playing  
advertisements automatically based on any one of user constraints and sales  
criteria.

16. (amended) A service which provides audio advertisements over a two way  
15 communication device during a communication session, the service comprising:

a user interface which coordinates communication of the service with a user  
and receives voice commands from the user that allow the user to navigate through  
the service; and

20 an advertising subsystem coupled to the user interface, the advertising  
subsystem being configured to coordinate the selective presentation of  
advertisements to the user;

whereby the advertisements include sponsorship advertisements which  
accompany each communication session, advertisements selectively played based  
on particular attributes of the user, and advertisements selectively played based on  
25 permission by the user.

22. (amended) A system for advertising using voice control, the system  
comprising:

30 means for maintaining a communication session between a user and a voice  
portal; and

means for periodically selecting and playing advertisements automatically  
during the communication session based on any one of user constraints and sales  
criteria.

32. (amended) A method of selecting and playing advertising in a voice controlled computer environment comprising:

receiving voice navigational commands from a user;

5 generating a set of possible advertisements, the set of possible advertisements being related to a context;

ordering the set of possible advertisements based on a sales criteria associated with each advertisement of the set of possible advertisements; and

periodically selecting and playing advertisements automatically from the set of possible advertisements based on the ordering.

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42. (amended) A system of selecting and playing advertising in a voice controlled computer environment comprising:

means for receiving voice navigational commands from a user;

15 means for generating a set of possible advertisements, the set of possible advertisements being related to a context;

means for ordering the set of possible advertisements based on a sales criteria associated with each advertisement of the set of possible advertisements; and

20 means for periodically selecting and playing advertisements automatically from the set of possible advertisements based on the ordering.

46. (amended) A computer program product comprising computer readable program code for advertising with an Internet voice portal, the program code in the computer program product comprising:

25 first computer readable program code for generating a set of possible advertisements;

second computer readable program code for ordering the set of possible advertisements based on a sales criteria associated with each advertisement of the set of possible advertisements; [and]

30 third computer readable program code for periodically selecting and playing advertisements automatically from the set of possible advertisements based on the ordering[.] ; and

fourth computer readable program code for receiving voice navigational commands from a user.